

## **ARTICLE 16**

### **Assignment and Transfer**

#### **Section 1. Definitions.**

- A. Vacancy: An unfilled permanent position which the Appointing Authority has determined shall be filled. For purposes of this Article, a permanent vacancy is created when the Employer determines to increase the work force and to fill a new position(s) or when any of the following personnel transactions take place in the Bargaining Unit and the Employer determines to replace the previous incumbent: termination, retirement, promotion, demotion, transfer or reassignment. A position from which an employee has been laid off is not a vacancy.
- B. Transfer: A change of assignment of an employee at the employee's request or initiative.
- C. Assignment: The particular position at or from a particular work location (or work site), as determined by the Employer, (and as applicable) on a scheduled shift, and on an assigned work schedule.
- D. Seniority: Seniority shall be as defined in Article 12, Section 2, except that probationary employees and employees in less-than-satisfactory status shall not be eligible to exercise any seniority rights under this Article.
- E. Reassignment: A permanent change of an employee's assignment by the Employer at the Employer's initiative.
- F. Work Location: For purposes of this Article, work location shall be defined as all the premises of a Department in a County, except that each of the following shall be considered a separate work location:
- (1) A building or related group of buildings with twenty five (25) or more employees of a Department in the Bargaining Unit.
  - (2) A building or group of buildings which constitutes a facility (or agency) in the Departments of Community Health, Corrections, Education, and the Family Independence Agency.
  - (3) For the purposes of this Article, a work location shall be defined as a Region in the Department of Transportation.
- G. Work Site: Each of the following shall be considered a separate work site:
- (1) A building within a work location.
  - (2) A field office or regional office/installation in the Department of Transportation.

- (3) A field, district, or regional office in the Department of Natural Resources.
- (4) A building or group of buildings which constitutes a facility (or agency) in the Departments of Community Health, Corrections, Education, and the Family Independence Agency.

H. Demotion: An authorized movement of an employee with status from a position in one classification level to a lower classification level.

## **Section 2. Right of Assignment.**

Except as provided in this Article, the Employer shall have the right and responsibility to assign employees within an agency or work location. The Employer shall have the right to temporarily fill a vacancy until it is filled permanently. In filling a vacancy the Employer shall continue to have the right to assign a qualified employee subject only to the provisions of this Article.

## **Section 3. Transfer.**

The Appointing Authority shall establish transfer lists at the beginning of the calendar year for permanent vacancies. An employee shall request transfer by notifying the Appointing Authority in writing, with a copy to the Union, of the work locations/work sites to which the employee desires a transfer within his/her current class and level. Requests received by the 20<sup>th</sup> of a month shall become effective on the 1<sup>st</sup> of the following month. The transfer lists shall expire at the end of the calendar year.

Employees willing to take a voluntary demotion within a class series in lieu of a transfer must state this in the transfer request form to be eligible.

An employee shall be able to make himself/herself available for transfer from his/her work site to up to five (5) work sites/locations. If an employee declines a transfer to a work site/location which he/she had requested, the Appointing Authority may remove the employee from the transfer list for such work site/location by giving the employee written notice. An employee may at any time remove his/her name from the transfer list for a work site/location previously designated by written notice to the Appointing Authority.

Transfers within a Department or Agency shall take preference over transfers between Departments or Agencies.

When the Employer plans the opening of a new work site, the Employer shall refer to the transfer list for the work location in which the new work site is located.

## **Section 4. Filling Vacancies.**

A. Procedure: Vacancies must be filled by transfers in accordance with Section 5, prior to the initiation of any reassignments, except for reassignments within a work location, or conduct reassignment.

- B. Transfer Expenses: Employees transferring or voluntarily demoting under the provisions of this Article shall not be eligible for reimbursement of moving or travel expenses unless the appointing authority determines the transfer is to the benefit of the department.
- C. Voluntary Demotion: employees may voluntarily demote to a lower level within their current class series by placing their name on the transfer list, in accordance with section 3, for any work site/location to which they are willing to accept a voluntary demotion. A request for voluntary demotion will be treated the same as a request for transfer in section 5.a.1 below and the most senior person on the existing transfer roster shall be selected for the vacant position.

### **Section 5. Reassignment and Transfer Procedure.**

Reassignments and transfers shall be made in accordance with the procedure of this Section, with the exception of reassignments in accordance with Section 4.

#### **A. Filling Vacancies by Transfer:**

- (1) The Employer shall select from the existing transfer roster the most senior person in the same class and level as the vacant position.
- (2) In the event the vacancy is not filled in accordance with paragraph 1 above, the Employer shall fill the vacant position by recall from layoff in accordance with Article 13.
- (3) In the event the vacancy is not filled in accordance with paragraphs 1 or 2 above, the Employer shall advertise the vacancy and notify employees that acceptance of the vacant position shall be considered a transfer and select one of the three most senior persons in the same class and level as the vacant position.
- (4) In the event there are less than three qualified persons, or In the event the vacancy is not filled in accordance with paragraphs 1 or 2 above, the Employer may elect to fill the vacancy in a manner of its choosing, including but not limited to promotion, hiring, reassignment, etc.
- (5) Exceptions. The Employer shall not be required to transfer any of the following employees from a transfer list:
  - a. An employee who has received a disciplinary suspension within one year preceding the date of the transfer request or during the period between the application date and the date the employee is considered for transfer;
  - b. An employee who has transferred from the transfer list within the last six (6) months; or,

- c. An employee who has placed his/her name on the transfer list for the work location from which he/she received a conduct reassignment within the previous two years.

B. Filling Vacancies By Reassignment From Another Work Location:

In the event the Employer chooses to fill a vacancy by reassignment from another work location, the following procedure shall apply:

- (1) The Employer shall identify the work location from which the reassignment will be made.
- (2) The Employer shall seek volunteers from the same class and level as the vacant position.
- (3) In the event the vacancy is not filled in accordance with paragraph 2 above, the Employer shall reassign the least senior employee, at the same class and level as the vacancy, in the following order:
  - a. Part-time employee;
  - b. Seasonal employee;
  - c. Full-time employee.

C. Conduct Reassignment

No employee may be reassigned for reasons of conduct or for disciplinary purposes, except where the employee's continued presence at the work location has the effect of hampering the operational effectiveness of the Employer.

- D. Notice To Employees: Except in emergency situations, employees must be given a minimum of ten (10) working days notice prior to the date he/she is required to report to his/her new work location.